

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTY HIRAM ELLIS,

Defendant.

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8:08CR210

ORDER

This matter is before the court on the government's motion to continue trial (Doc. 125) because defendant Ellis is currently in custody in the District of Arizona awaiting trial in that district. A continuance is requested to allow the U.S. Marshals Service time to transport Mr. Ellis from Arizona to Nebraska. The court is advised that Mr. Ellis will not agree to a continuance of his Nebraska trial, which is now set for September 29, 2009.

IT IS ORDERED that Marty Hiram Ellis shall file a written response to the government's Motion to Continue Trial no later than 12:00 noon on Monday, September 21, 2009.

DATED September 17, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**